

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re:

Jacalyn S. Nosek
Debtor

Chapter 13
Case No.: 02-46025-JBR

Jacalyn S. Nosek
Plaintiff

Adv. Pro. No. 07-04109-JBR
(Related Adv. Pro. No. 04-04517-JBR)

v.
Ameriquest Mortgage Company
Defendant

Denise M. Pappalardo and
Carolyn A. Bankowski,
Trustee Defendants

**Memorandum in Support of Emergency Motion
for Approval of Attachment on Trustee Process**

In further support of Plaintiff's motion for Approval of Attachment on Trustee Process,
Plaintiff states that:

1. As set forth in the *Affidavit of Jacalyn S. Nosek*, Plaintiff is without security for the judgment in the amount of \$750,000.00 which has been awarded by this Court, and AFFIRMED by the U.S. District Court.
2. Over the Labor Day weekend, news articles appeared which stated that Ameriquest Mortgage Company was ceasing operations, and that its assets are being acquired by Citigroup. The terms of the purchase have not been publicly disclosed.

3. According to the records of the Worcester Registry of Deeds, the Defendant Ameriquest Mortgage Company, has been assigning mortgages it holds for zero consideration to other entities.
4. Attached here as **Exhibit 1** for illustrative purposes is the first page of a screen printout evidencing such transfers.
5. Attached here as **Exhibit 2** is the screen printout of the most recent such assignment, recorded on September 14, 2007, concerning a mortgage encumbering property located at 324 Millbury Street, Worcester.
6. Attached here as **Exhibit 3**, for illustrative purposes, is a copy of such an assignment, purportedly executed on April 7, 2004, and recorded on September 14, 2007, at the Worcester Registry of Deeds, more than three years later.
7. Based upon the above, it is evident that the Defendant is actively engaged in transferring assets for zero consideration in an apparent effort to defraud its creditors, of which Ms. Nosek is one.
8. The attachment sought will in no way prejudice the Chapter 13 Debtors who are currently making payments to the Chapter 13 Trustees for the Eastern and Western Division.
9. The payments made to the Trustees are for *pre-petition arrears* owed by the Debtors to Ameriquest. Debtors will continue to make their post petition payments as required, and the attachments requested will not precipitate the filings of motions seeking relief from the automatic stay.

WHEREFORE, for the reasons set forth herein, and in the *Affidavit of Jacalyn S. Nosek*,

Plaintiff requests that this Court approve an attachment on Trustee Process in the amount of \$1,000,000.00, and that this Court approve *Plaintiff's Motion for Successive Service of Trustee Summons*.

Jacalyn S. Nosek
by her attorney,

/s/ Philip M. Stone
Philip M. Stone, BBO # 544139
44 Front Street
Worcester, MA 01608
Tel. (508) 755-7354

Dated: September 25, 2007

Registry of Deeds

William Francis Galvin, Secretary of the Commonwealth
Worcester - Anthony J. Vigliotti, Register

[Home](#) | [Search](#) | [Index](#) | [Feedback](#) | [Contact](#)

[Registry Home](#) | [Select Another Registry](#) | [Registry of Deeds Search](#) | [Contact Us](#) | [Help](#) | [F.A.Q](#)

[Back](#)

Result For:		Result Matches: [1 - 20 of 74][Next]	
Name: Ameriquest	Dates: 01/01/2007 To 09/25/2007		
Role: Any	Town: WORCESTER	Document Type: Any	

	Name	File Date	Book / Page	Type Desc.	Town	# Pgs.	Number
▶	AMERIQUEST MORTGAGE CO	09/24/2007	41838/42	ASSIGNMENT	WORCESTER	1	125705
▶	AMERIQUEST MORTGAGE CO	09/14/2007	41798/144	ASSIGNMENT	WORCESTER	2	121769
▶	AMERIQUEST MORTGAGE CO	09/14/2007	41798/142	ASSIGNMENT	WORCESTER	2	121768
▶	AMERIQUEST MORTGAGE CO	09/07/2007	41775/293	ASSIGNMENT	WORCESTER	2	119553
▶	AMERIQUEST MORTGAGE CO	08/31/2007	41738/34	ASSIGNMENT	WORCESTER	1	116168
▶	AMERIQUEST MORTGAGE CO	08/27/2007	41710/345	ASSIGNMENT	WORCESTER	1	113723
▶	AMERIQUEST MORTGAGE CO	08/13/2007	41640/378	ASSIGNMENT	WORCESTER	1	107155
▶	AMERIQUEST MORTGAGE CO	08/13/2007	41640/377	ASSIGNMENT	WORCESTER	1	107154
▶	AMERIQUEST MORTGAGE CO	08/10/2007	41634/84	ASSIGNMENT	WORCESTER	1	106521
▶	AMERIQUEST MORTGAGE CO	08/08/2007	41621/321	ASSIGNMENT	WORCESTER	1	105347
▶	AMERIQUEST MORTGAGE CO	07/31/2007	41571/257	ASSIGNMENT	WORCESTER	1	100812
▶	AMERIQUEST MORTGAGE CO	07/18/2007	41504/343	COMPLAINT	WORCESTER	4	94733
▶	AMERIQUEST MORTGAGE CO	06/29/2007	41424/382	ASSIGNMENT	WORCESTER	1	87476
▶	AMERIQUEST MORTGAGE CO	06/29/2007	41419/281	POWER OF ATTORNEY	WORCESTER	6	87072
▶	AMERIQUEST MORTGAGE CO	06/08/2007	41283/157	ASSIGNMENT	WORCESTER	1	75252
▶	AMERIQUEST MORTGAGE CO	06/08/2007	41283/158	ASSIGNMENT	WORCESTER	1	75253
▶	AMERIQUEST MORTGAGE CO	06/04/2007	41258/116	ASSIGNMENT	WORCESTER	1	72637
▶	AMERIQUEST MORTGAGE CO	06/04/2007	41264/213	ASSIGNMENT	WORCESTER	1	73512
▶	AMERIQUEST MORTGAGE CO	06/04/2007	41264/212	ASSIGNMENT	WORCESTER	1	73511
▶	AMERIQUEST MORTGAGE CO	06/04/2007	41258/115	ASSIGNMENT	WORCESTER	1	72636

[1] [2] [3] [4]

For best results use Internet Explorer 5 and above or Netscape 6 and above.

[Home](#) | [Search](#) | [Index](#) | [Feedback](#) | [Contact](#)

©1996-2003 Secretary of the Commonwealth of Massachusetts. The documents provided in this web site are for informational purposes only. To obtain an official copy of any free document or publication, please contact the Secretary of the Commonwealth of Massachusetts, District Registry of Deeds.

Registry of Deeds

William Francis Galvin, Secretary of the Commonwealth
Worcester - Anthony J. Vigliotti, Register

[Home](#) | [Search](#) | [Index](#) | [Feedback](#) | [Contact](#)

[Registry Home](#) | [Select Another Registry](#) | [Registry of Deeds Search](#) | [Contact Us](#) | [Help](#) | [F.A.Q](#)

[← Back](#)

Town: WORCESTER					
Number	File Date	Type Desc.	# Pgs.	Book/Page	Consideration
121769	09/14/2007	ASSIGNMENT	2	41798/144	0.00
Street#		Street Name		Description	
324		MILLBURY ST			
Grantor		AMERIQUEST MORTGAGE CO			
Grantee		WELLS FARGO BANK NA TR			
Marginal Reference Documents		33246/208 2004 MORTGAGE			

- [Quick Document Viewer](#) [Click here](#) for Printing Instructions.
 [High Quality Viewer](#) (Requires TIFF Plug-In) [Click here](#) for Instructions.
 [Download the Document Pages](#) (Requires TIFF Viewer) [Click Here](#) for Instructions.

For best results use Internet Explorer 5 and above or Netscape 6 and above.

[Home](#) | [Search](#) | [Index](#) | [Feedback](#) | [Contact](#)

©1996-2003 Secretary of the Commonwealth of Massachusetts. The documents provided in this web site are for informational purposes only. To obtain an official copy of any free document or publication, please contact the Secretary of the Commonwealth of Massachusetts, District Registry of Deeds.

When recorded mail to



2007 00121768
Bk: 41798 Pg: 144
Page: 1 of 2 09/14/2007 11:18 AM

GUAETTA AND BENSON, LLP
P.O. Box 519
Chelmsford, MA 01824-0519

ASSIGNMENT OF MORTGAGE

Amerquest Mortgage Company holder of a real estate mortgage
from:

CURTIS CHRYSTONE

dated: 04/02/04 recorded with the WORCESTER District/County * 4/7/2005
Registry of Deeds on * as Instrument Number , and in Book , Page assigns said mortgage and
the Note and claim 33246 208 secured thereby

to: Wells Fargo Bank, N.A. as Trustee for the benefit of the Certificate
Holders of Asset-Backed Pass-Through Certificates Series 2004-WCW1

101 North Phillips Avenue
Sioux Falls, SD 57104

"LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF"

Executed and delivered on 04/07/2004

Amerquest Mortgage Company

By: [Signature]
Theoharis Tziotzios Agent

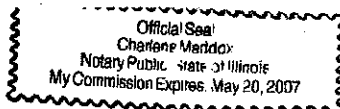
State of Illinois
County of Cook

On 04/07/2004 before me, Charlene Maddox
personally appeared Theoharis Tziotzios

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s) or the entity upon behalf of which is the person(s) acted, executed the instrument.

WITNESS my hand and notarial seal at my office in
said Orange County, CA

Dated: 04/07/2004



Charlene Maddox (Seal)
Charlene Maddox

Property Address: 324 Millbury Street, Worcester, Massachusetts 01610

The land with the buildings thereon situated in said Worcester, Worcester County, Massachusetts, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the intersection of the northerly line of Arwick Avenue, and the westerly line of Millbury Street;

Thence north 72 degrees 37 minutes 32 seconds west by the northerly line of Arwick Avenue, sixty and 88/100 (60.88) feet to a point;

Thence north 17 degrees 22 minutes 28 seconds east by other land now or formerly of Pauline a. Deutch, fifty (50) feet to a point;

Thence south 72 degrees 37 minutes 33 seconds east sixty and 84/100 (60.84) feet to a point on the westerly line Millbury Street;

Thence south 17 degrees 19 minutes 36 seconds west by the westerly line of Millbury Street, fifty (50) feet to the point of beginning.

Being the same premises conveyed to the herein named mortgagor (s) by deed recorded with Worcester South Registry of Deeds in Book 25911, Page 395.

ATTEST: WORC. Anthony J. Vigliotti, Register